

**APPROVED**  
**June 23, 2005**  
**CHARTER REVIEW COMMISSION**  
**MEETING**  
**Thursday, April 14, 2005; 8:00 a.m.**  
**6<sup>th</sup> Floor Front Conference Room**  
**Council Office Building**

**Minutes**

**Commission Members Present:**

Kenneth Muir, Chair  
Barbara Smith Hawk, Vice Chair  
Mollie Habermeier  
Cheryl Kagan  
Michael McKeehan  
Randy Scritchfield  
Shelton Skolnick  
Robert Skelton

**Staff:**

Joe Beach, Assistant Chief Administrative  
Officer  
Carol Edwards, Legislative Services  
Coordinator  
Michael Faden, Senior Legislative Attorney Marc  
Hansen, Chief, Division of General  
Counsel, Office of the County Attorney  
Sonya Healy, Legislative Analyst

**Commission Members Absent:**

Julie Davis  
Javier Miyares

**Guests:**

Isiah Leggett, Former Councilmember  
George Leventhal, Councilmember  
Dale Tibbitts, Montgomery County Civic  
Federation  
Peggy Denis  
Joy Nurmi

Chairman Muir called the meeting to order at 8:10 a.m.

**I. Administrative Items**

- Future Meeting dates  
The Commissioners decided to meet again on June 23, 2005 from 8 to 10 a.m.
- Attendance Policy  
The Commission agreed to take steps to enforce the attendance policy. Council staff contacted the Executive's office to confirm the rules for removal because of absenteeism. Chapter 2, Sec. 2-148(c)(1) of the County Code states that "unless the law provides another method to remove members, a member of a committee who is absent from 25 percent or more of the scheduled meetings or hearings during any 6-month period has resigned from the committee".

Commissioner Sylvia Brown Olivetti resigned from the Commission. Justina Ferber, Legislative Analyst for the County Council, will begin the process to fill Ms. Olivetti's

slot on the Commission. She will also contact Mr. Miyares to see if he intends to continue to serve on the Commission.

## **II. Discussion with Former Councilmember Isiah Leggett**

Former Councilmember Isiah Leggett met with the Commission to discuss his proposal to expand the number of Council seats from 9 (5 districts and 4 at-large) to 11 (8 districts and 3 at-large). Mr. Leggett believes that maintaining at least 3 at-large members would ensure an adequate balance of representation on the Council. He stated that his proposal to increase the number of districts would address arguments about the size and make-up of the current 5 districts, solve the issue of inclusion, create diversity on the Council, and help to lower campaign cost. Since current district seats are spread over large geographical areas, which makes it more difficult for candidates to compete without large campaign funds, it becomes harder for minority candidates to run for the Council. He also commented that it appears that most constituents do not know their Councilmembers.

Commissioner Skolnick asked Mr. Leggett if he would support aligning the 8 Councilmanic districts to the 8 legislative districts.

While Mr. Leggett stated he would not discourage the Commission to look at this proposal, he is not sure he would support aligning Councilmanic districts with legislative districts and would not support it as a Charter referendum. He noted his concern that the reasons for drawing lines at the State level may be much different than the needs of the County.

Mr. Skolnick asked Mr. Leggett how he felt about eliminating the at-large seats.

Mr. Leggett responded that this proposal would cause the Council to become too parochial, especially as it pertains to decisions about schools and boundaries.

Chairman Muir asked Mr. Leggett if it would better to increase the size of the Council to 13 members.

Mr. Leggett responded that it may be too costly to increase the size of the Council to 13 members because each office has operating and staff expenses. At this time, he recommends adding only two members because he believes this would maintain the right balance.

Mr. Skolnick asked Mr. Leggett if he had a sponsor/organization backing his proposal.

Mr. Leggett stated that he would like the Commission to study his proposal and to make their recommendation to the Council. Alternatively, he would submit his recommendation directly to the Council and hope that they would place this proposal on the ballot.

Commissioner Kagan commented that voters like voting for the majority of the Council. Under Mr. Leggett's proposal all registered voters would only vote for a limited number of Councilmembers. Ms. Kagan asked how Mr. Leggett's proposal would affect accountability.

Mr. Leggett responded that he does not see an accountability problem. He feels that his proposal would allow voters to have more direct contact with district representatives.

Joe Beach commented that some Charter amendments require a supermajority, for example, spending affordability, and asked Mr. Leggett if he recommends changing those requirements based on his recommendation to increase the size of the Council.

Mr. Leggett responded that he does recommend changing those requirements.

### **III. Presentation from Marc Hansen**

As requested by the Commission in the previous meeting, Marc Hansen gave a presentation on the process for amending the State Charter. A detailed copy of the presentation is included in the Commission's files.

Commissioner McKeehan agreed to write a memo with suggestions on how to improve the process for getting an issue on the ballot. Section 16-16 of the County Code states that "there shall appear in print on the voting machine or ballot, a ballot title of the proposed amendment which shall be prepared by the Council in such form as to present the purpose and substance of the amendment fairly and concisely."

Council Attorney, Mike Faden discussed the process the Council goes through in wording ballot language.

The July 27, 2004 Council minutes detailing the County Council's deliberations on the resolutions to approve the proposed Charter Amendments for the November 2004 General Election were distributed.

### **IV. Discussion with Councilmember George Leventhal**

Councilmember Leventhal addressed three issues that are before the Commission: (1) the number of seats on the Council; (2) Council authority to amend language on the ballot; and (3) the number of signatures required to petition a Charter Amendment.

**Number of seats on the Council:** Mr. Leventhal opposed Question C to change the Council to 9 all single-member districts. He believes that a mix of local and county-wide perspectives provides a good basis for policy-making and ensures that every citizen has access to, and is represented by, a majority of Councilmembers. Mr. Leventhal is open to a dialogue regarding Mr. Leggett's proposal to increase the size of the Council while maintaining a mix of at-large and district seats and stated that he is committed to increasing access to a broad cross-section of voices in County Government. He believes

that it is important to consider whether the additional cost to taxpayers of two additional council seats would be justified.

**Council authority to write/amend the language on the ballot:** Councilmember Leventhal would be opposed to any Charter Amendment that would take this power away from the Council. In his statement, he commented that in the past, there have been errors or misleading language on petitions and it is appropriate that the Council have the ability to present ballot language accurately and fairly to the public.

**Number of signatures required:** Councilmember Leventhal stated that he hopes the Charter Review Commission takes a stand in support of increasing the number of signatures required under the State Constitution to add language to the County Charter. He thinks that the current threshold of 10,000 signatures is too low. He commented that the recent proposal offered by the General Assembly (House Bill 648/Senate Bill 561) would allow the County to adjust its threshold so that not more than 20 percent and not less than 5 percent of registered voters may petition a Charter Amendment to the ballot.

Mr. Skolnick asked Mr. Leventhal if he would be in favor of limiting the Council's spending authority the same as the State.

Mr. Leventhal responded that he does not support this recommendation.

Commissioner Kagan asked Mr. Leventhal to comment on Mr. Leggett's view that the large size of districts makes it too costly for candidates to run for Council office, and also what his experience has been with other candidates choosing not to run.

Mr. Leventhal responded that he doesn't think that geography is as much of a deterrent to a candidate's decision to run as the power of incumbency.

Mr. Skolnick asked Mr. Leventhal if he would support aligning 8 Councilmanic districts to the 8 legislative districts. Mr. Leventhal commented that this proposal would give the state too much power in deciding the boundaries for Council districts.

## **V. Miscellaneous Information**

The County Executive submitted a letter in response to the Commission Chair's letter asking the Executive to comment on certain issues that the Commission is considering. The Executive did not offer any other issues for the Commission to study.

Commissioners requested that Council staff get an estimate of the costs associated with adding additional Councilmembers and information from the Board of Elections about the process and deadlines for petitioning a referendum and Charter amendment.

Meeting adjourned at 10:00 a.m.